

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

NANCY HENDERSON and THOMAS)
HENDERSON,)
)
PLAINTIFFS,)
)
v.) CASE NO. 3:07cv916-MEF
)
GREYHOUND LINES, INC., et al.,)
)
DEFENDANTS.)

MARRLINA BOLDEN,)
)
PLAINTIFF,)
)
v.) CASE NO. 3:07cv917-MEF
)
DALE CUNNINGHAM, et al.,)
)
DEFENDANTS.)

BON KIEU,)
)
PLAINTIFF,)
)
v.) CASE NO. 3:07cv1020-MEF
)
DALE CUNNINGHAM, et al.,)
)
DEFENDANTS.)

ORDER

On September 19, 2007, Nancy and Thomas Henderson filed suit against Greyhound

Lines, Inc. (“Greyhound”) and a driver alleged to be in its employ named Dale Cunningham (“Cunningham”) for injuries they sustained when a Greyhound bus driven by Cunningham struck the vehicle which Nancy Henderson was driving. Defendants removed the case to this Court on October 11, 2007. On September 20, 2007, Marrlina Bolden, who had been a passenger on the bus at the time of the accident, filed suit against Cunningham and Greyhound for injuries she allegedly sustained during the accident. Defendants removed Bolden’s case to this Court on October 11, 2007. Another passenger on the bus, Bon Kieu (“Kieu”) filed suit against Cunningham and Greyhound Lines, Inc. In the Circuit Court of Mobile County, Alabama. Defendants removed the case to the United States District Court for the Southern District of Alabama and then successfully sought the transfer of the case to this Court.

Defendants seek to have these three actions consolidated. None of the plaintiffs have opposed the requested consolidation. It is undisputed that these cases involve common questions of law and fact. Consequently, the Court is of the opinion that the motions to consolidate are due to be granted because consolidation of these cases pursuant to Federal Rule of Civil Procedure 42 is appropriate. Accordingly, it is hereby ORDERED as follows:

1. The motion to consolidate, Doc. # 12 as amended by Doc. # 14, in *Marrlina Bolden v. Dale Cunningham, et al.*, 3:07-cv-917-MEF is GRANTED to the extent that it seeks consolidation of that case with the other two cases arising out of the October 3, 2005 accident for **all pretrial matters, discovery, and trial**. If any party wishes the Court to consider

conducting separate trials in these cases, the party should file a motion to sever prior to the final pretrial conference.

2. The motion to consolidate contained within Doc. # 8 in *Bon Kieu v. Dale Cunningham, et al.*, 3:07-cv1020-MEF is GRANTED to the extent that it seeks consolidation of that case with the other two cases arising out of the October 3, 2005 accident for **all pretrial matters, discovery, and trial**. If any party wishes the Court to consider conducting separate trials in these cases, the party should file a motion to sever prior to the final pretrial conference.

3. *Nancy Henderson and Thomas Henderson v. Greyhound Lines, Inc., et al.*, 3:07-cv-916-MEF is hereby designated as the lead case.

4. The Clerk of the Court is hereby DIRECTED to docket and place a copy of this Order in all three cases.

5. Until future order of this Court, all filings shall bear the consolidated caption on this Order, but shall only be filed in the lead case, *Nancy Henderson and Thomas Henderson v. Greyhound Lines, Inc., et al.*, 3:07-cv-916-MEF.

DONE this the 26th day of December, 2007.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE